

# EXHIBIT A

Court of Common Pleas of Philadelphia County  
Trial Division  
**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

**DECEMBER 2021****000598**

E-Filing Number: 21-12023277

PLAINTIFF'S NAME  
BARBARA SMITH

DEFENDANT'S NAME  
LOWE'S HOME CENTERS, LLC D/B/A LOWE'S HOME  
IMPROVEMENT

PLAINTIFF'S ADDRESS  
9737 REDD RAMBLER DRIVE  
PHILADELPHIA PA 19115

DEFENDANT'S ADDRESS  
1000 LOWE'S BOULEVARD  
MOORESVILLE NC 28117

PLAINTIFF'S NAME

DEFENDANT'S NAME

PLAINTIFF'S ADDRESS

DEFENDANT'S ADDRESS

PLAINTIFF'S NAME

DEFENDANT'S NAME

PLAINTIFF'S ADDRESS

DEFENDANT'S ADDRESS

TOTAL NUMBER OF PLAINTIFFS

1

TOTAL NUMBER OF DEFENDANTS

1

COMMENCEMENT OF ACTION

☒ Complaint☐ Petition Action☐ Notice of Appeal☐ Writ of Summons☐ Transfer From Other Jurisdictions

AMOUNT IN CONTROVERSY

☐ \$50,000.00 or less☒ More than \$50,000.00

COURT PROGRAMS

☐ Arbitration☒ Jury☐ Non-Jury☐ Other:☐ Mass Tort☐ Savings Action☐ Petition☐ Commerce☐ Minor Court Appeal☐ Statutory Appeals☐ Settlement☐ Minors☐ W/D/Survival

CASE TYPE AND CODE

2S - PREMISES LIABILITY, SLIP/FALL

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)

**FILED  
PRO PROTHY****DEC 13 2021****S. RICE**IS CASE SUBJECT TO  
COORDINATION ORDER?

YES

NO

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: BARBARA SMITH

Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY

BRANDON A. SWARTZ

ADDRESS

547 E. WASHINGTON AVE.  
NEWTOWN PA 18940

PHONE NUMBER

(215) 550-6553

FAX NUMBER

(215) 550-6557

SUPREME COURT IDENTIFICATION NO.

78344

E-MAIL ADDRESS

bswartz@swartzculleton.com

SIGNATURE OF FILING ATTORNEY OR PARTY

BRANDON SWARTZ

DATE SUBMITTED

Monday, December 13, 2021, 10:11 am

FINAL COPY (Approved by the Prothonotary Clerk)

**SWARTZ CULLETON PC**  
 By: Brandon A. Swartz, Esquire  
 Identification No. 78344  
 By: Todd M. Felzer, Esquire  
 Identification No. 76335  
 547 E. Washington Avenue  
 Newtown, PA 18940  
 T: 215-550-6553  
 F: 215-550-6557

Attorneys for Plaintiff  
 Barbara Smith

Filed and Attested by the  
 Office of Judicial Records  
 13 DEC 2021 10:41 am  
 SA RICE  
 JUDICIAL DISTRICT OF PHILADELPHIA

BARBARA SMITH  
 9737 Redd Rambler Drive  
 Philadelphia, PA 19115

COURT OF COMMON PLEAS  
 PHILADELPHIA COUNTY

*Plaintiff*

vs.

NO.

LOWE'S HOME CENTERS, LLC d/b/a  
 LOWE'S HOME IMPROVEMENT  
 1000 Lowe's Boulevard  
 Mooresville, NC 28117

**JURY TRIAL DEMANDED**

*Defendant*

### NOTICE TO DEFEND

#### NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION  
 LAWYER REFERRAL AND INFORMATION SERVICE

1101 Market St #11  
 Philadelphia, Pennsylvania 19107  
 Telephone: 215-238-6300

#### AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACIÓN DE LICENCIADOS DE FILADELPHIA  
 SERVICIO DE REFERENCIA E INFORMACION LEGAL

1101 Market St #11  
 Philadelphia, Pennsylvania 19107  
 Telephone: 215-238-6300



**SWARTZ CULLETON PC**

By: Brandon A. Swartz, Esquire  
 Identification No. 78344  
 By: Todd M. Felzer, Esquire  
 Identification No. 76335  
 547 E. Washington Avenue  
 Newtown, PA 18940  
 T: 215-550-6553  
 F: 215-550-6557

Attorneys for Plaintiff,  
 Barbara Smith

BARBARA SMITH  
 9737 Redd Rambler Drive  
 Philadelphia, PA 19115

*Plaintiff*

vs.

LOWE'S HOME CENTERS, LLC d/b/a  
 LOWE'S HOME IMPROVEMENT  
 1000 Lowe's Boulevard  
 Mooresville, NC 28117

*Defendant*

COURT OF COMMON PLEAS  
 PHILADELPHIA COUNTY

NO.

**JURY TRIAL DEMANDED**

**CIVIL ACTION COMPLAINT**

1. Plaintiff, Barbara Smith, is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at the above-captioned address.

2. Defendant, Lowe's Home Centers, LLC d/b/a Lowe's Home Improvement, was and is now a business entity, believed to be a corporation, duly organized and existing under the laws of the State of North Carolina, with a principal place of business located therein at the above-captioned address.

3. Venue is proper in Philadelphia County because the Defendant regularly and continuously conducts business in Philadelphia County.

4. At all times relevant hereto, the Defendant acted by and through their respective agents, servants, employees, workmen and/or other representatives, who were, in turn, acting within the course and scope of their employment, agency and/or service for the same.

5. At all times material herein, the Defendant, by and through their respective trustees, directors, agents, servants, workmen, employees and/or other representatives, acting within the course and scope of their employment with the said Defendant, owned, operated, controlled, leased, inspected, possessed, managed and/or maintained the premises known as "Lowe's Home Improvement" at 425 Easton Road, Warrington, PA 18976.

6. On or about June 12, 2021, and for a long time prior thereto, it was the duty of the Defendant, by and through their respective trustees, directors, agents, servants, workmen, employees and/or other representatives, to keep and maintain the premises located at 425 Easton Road, Warrington, PA 18976 in a reasonably safe condition for persons lawfully upon the premises, such as Plaintiff, Barbara Smith.

**COUNT I**  
**BARBARA SMITH v. LOWE'S HOME CENTERS, LLC d/b/a LOWE'S HOME**  
**IMPROVEMENT**  
**NEGLIGENCE – PREMISES LIABILITY**

7. Plaintiff hereby incorporates by reference paragraphs one (1) through six (6) of the within Complaint, as though the same were fully set forth at length herein.

8. On or about June 12, 2021, Plaintiff, Barbara Smith, was a customer walking the aisles inside the Defendant's aforesaid premises located at 425 Easton Road, Warrington, PA 18976 when, suddenly and without warning, and as a direct result of a defective and/or dangerous condition upon said premises, Plaintiff tripped and fell on a wooden pallet which had

been left on the floor and obstructing the walking path of customers, causing Plaintiff to sustain various severe and permanent bodily injuries and losses as more fully set forth below.

9. The incident described in the preceding paragraphs of the within Complaint was caused by the negligence and carelessness of the Defendant, Lowe's Home Centers, LLC d/b/a Lowe's Home Improvement, by and through its agents, servants, workmen, employees and/or other representatives acting within the course and scope of the employment, agency and/or service for the same, generally and in the following particular respects:

- (a) carelessly and negligently allowing the aforesaid premises to be kept in a dangerous condition for a prolonged period of time so as to cause injury to the Plaintiff, more specifically failing to timely clear the wooden pallet from the aisle at the premises;
- (b) carelessly and negligently failing to inspect the premises in such a manner so as to identify pallets and other objects obstructing the walking path of customers and prevent potential bodily injuries to third parties, such as the Plaintiff;
- (c) carelessly and negligently failing to recognize wooden pallet on the ground and obstructing the path of customers which caused Plaintiff's fall and to timely remedy same;
- (d) carelessly and negligently creating and allowing a dangerous condition to exist by failing to provide proper safety warnings to individuals lawfully on the Defendant's premises;
- (e) failing to ensure that the premises could be traversed in a manner which would not cause a danger to potential third parties, such as the Plaintiff;
- (f) failing to adequately and timely repair defects to the aforesaid premises;
- (g) failing to correct a dangerous and hazardous condition of which the Defendant was aware or should have been aware;
- (h) failing to warn people lawfully upon the Defendant's premises, such as the Plaintiff, of the aforesaid dangerous condition; and
- (i) otherwise failing to provide a safe place for persons lawfully upon the Defendant's premises, such as the Plaintiff, to travel.



10. Plaintiff, Barbara Smith, in no manner contributed to her injuries, which were the direct and proximate result of the Defendant's own negligence and/or carelessness.

11. As a result of the aforesaid negligence of the Defendant, Plaintiff, Barbara Smith, suffered severe injuries, including, but not limited to, a concussion, back and neck pain, shoulder pain, abrasions to her face, and post-traumatic headache, as well as aches, pains, mental anxiety and anguish, and a severe shock to her entire nervous system. Plaintiff has in the past and will in the future undergo severe pain and suffering as a result of which she has been in the past and will in the future be unable to engage in her usual activities, all to her great detriment and loss.

12. As a result of the aforesaid negligence of the Defendant, Plaintiff has been and will be obliged to receive and undergo medical attention and care and to expend various sums for the treatment of her injuries and incur such expenditures for an indefinite time in the future.

13. As a further result of the aforesaid accident, Plaintiff, Barbara Smith, has in the past and may in the future suffer a loss of her earnings and/or earning power, and she may incur such loss for an indefinite period in the future.

14. Further, by reason of the aforesaid occurrence, Plaintiff has and/or may hereinafter incur other financial expenses all in an effort to treat and cure himself of the injuries sustained in the aforesaid accident.

15. As a further result of the aforesaid negligence of the Defendant, Plaintiff has or may have suffered injuries resulting in the serious and/or permanent loss of use of a bodily function, dismemberment, and/or scarring, which may be in full or part cosmetic disfigurements which are or may be permanent, irreparable and severe.

16. As a further result of the aforesaid accident, Plaintiff has suffered a loss of the enjoyment of her usual duties, avocations, life's pleasures and activities, and the shortening of her life expectancy, all to her great detriment and loss.

17. As a further result of the aforesaid accident, Plaintiff has suffered great and unremitting physical pain, suffering and mental anguish, all of which may continue in the future.

WHEREFORE, Plaintiff, Barbara Smith, demands judgment against Defendant, Lowe's Home Centers, LLC d/b/a Lowe's Home Improvement, in an amount in excess of Fifty Thousand Dollars (\$50,000.00).

Respectfully,

**SWARTZ CULLETON PC**

By: /s/Brandon A. Swartz  
Brandon A. Swartz, Esquire  
Todd M. Felzer, Esquire  
Attorneys for Plaintiff,  
Barbara Smith

Date: December 13, 2021



x Barbara T Smith